

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Marine Polymer Technologies, Inc.

v.

Civil No. 06-cv-100-JD

HemCon, Inc.

O R D E R

Marine Polymer filed a motion for leave to file a motion in limine to preclude HemCon, Inc. from raising certain theories pertaining to inequitable conduct. In support, Marine Polymer represents that HemCon served supplemental responses to Marine Polymer's interrogatories after close of business on March 16, 2010, the day pretrial materials, including motions in limine, were due. Marine Polymer further states that the supplemental responses raise new theories of inequitable conduct and that HemCon's objection to Marine Polymer's motion in limine addressing HemCon's inventorship defense also raises new theories.

Marine Polymer seeks leave to file a motion in limine to address the new theories first disclosed in HemCon's supplemental responses and its objection to a prior motion. Because of the proximity of the final pretrial conference and the beginning of the trial, alternatively, Marine Polymer suggests that the issue of new inequitable conduct theories be discussed at the final

pretrial conference. The question of whether the supplemental responses are timely, however, would be better presented in written form with supporting materials, if necessary.

Conclusion

For the foregoing reasons, Marine Polymer's motion for leave to file a late motion in limine (document no. 271) is granted. Marine Polymer shall file the referenced motion in limine immediately.

HemCon shall file its response to the motion **no later than Thursday, April 8, 2010, at 3:00 p.m.**

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

April 5, 2010

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